

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2014-000534

01/29/2016

COMMISSIONER JOHN R. DOODY

CLERK OF THE COURT
G. Martin Del Campo
Deputy

IN RE THE MATTER OF
MARY ANN TRUESON HUSGEN

KAREEN OBRIEN

AND

JAMES P HUSGEN JR.

HARRY P FRIEDLANDER

JUDGE THOMASON

MINUTE ENTRY

The Court has reviewed and considered the *Affidavit of Non-Payment* (“Affidavit”) filed by counsel for Petitioner (“Mother”) on January 5, 2016. The Affidavit in this high-conflict case was addressed specifically to this judicial officer, apparently because the undersigned handled *Mother’s Petition to Enforce Child Support and Spousal Maintenance* filed on April 3, 2015.

After a hearing, this officer found Respondent (“Father”) to be in violation of court orders and in contempt, and as a purge, ordered Father to remain current on his court ordered obligations for a period of 12 months. It is true, therefore, that the undersigned has undertaken to monitor Father’s performance under the orders issued in that enforcement proceeding. But Mother’s pleading filed on January 5, 2016 does not allege that Father violated the orders which were the subject of the enforcement proceeding filed on April 3, 2015. Rather, Mother asks this judicial officer to conduct a contempt hearing for three (3) \$1,000.00 temporary support payments ordered on November 12, 2015 by the assigned trial judge, Judge Thomason. For the reasons explained below,

IT IS ORDERED **denying** Mother’s request.

The due process safeguards governing the enforcement of support orders and for holding persons in contempt for violating those orders are spelled out in elaborate detail in the Arizona

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Rules of Family Law Procedure, particularly in Rules 91 and 92, respectively. Among other things, these rules require the filing of a Petition to Enforce Support Orders and to hold a person in contempt for violating those orders. Such a petition must spell out the alleged violations and clearly put the alleged contemnor on notice of the remedies being sought to purge the contempt. *Id.* The petition also must be verified. *ARFLP* 24. The petition also must be personally served upon the party. *ARFLP Rule* 27(C).

By contrast in this case, Mother's attorney chose to bring these issues to the Court's attention not by a Petition, but by an Affidavit. Indeed, counsel's Affidavit is not even verified. And instead of filing a new enforcement petition, counsel chose to tack these issues onto an enforcement case adjudicated by this judicial officer before a second judicial officer (Judge Thomason) entered the temporary order that Mother now wishes to enforce. But the payments ordered by Judge Thomason were never within the scope of Mother's Enforcement Petition filed on April 3, 2015. Indeed, Father was not even obligated to pay them in April 2015, or when this officer entered the judgment and contempt orders in May 2015. Finally, Mother's attorney chose to serve her pleading by regular mail, not directly upon Father, but upon an attorney.

For these reasons, to the extent that Mother's pleading filed on January 5, 2016 requests any affirmative relief whatsoever, it is denied. The denial is without prejudice, subject to Mother's compliance with applicable law.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.